

EXHIBIT 2

In The Matter Of:

*Nicholas Bergeron and Nick Quattrociocchi et al v.
Rochester Institute of Technology*

Remote Video deposition via Zoom

Milagros Concepcion 30(b)(6)
March 23, 2022



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<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 77</p> <p>1 is it not, Ms. Concepcion?</p> <p>2 A I can answer questions about things that</p> <p>3 occurred. I can't speculate if something might have</p> <p>4 happened, could have happened, because you do</p> <p>5 understand that that can run a gamut, right, so</p> <p>6 everything that happened is, you know, finite.</p> <p>7 Everything that could have happened is endless. The</p> <p>8 possibilities of what could have or could not have</p> <p>9 happened are really very, very varied. So it is kind</p> <p>10 of hard to really answer with precision a question of</p> <p>11 something that did not occur or that might have</p> <p>12 occurred, because the possibility of what might occur</p> <p>13 is really a very long list.</p> <p>14 BY MR. DOOLITTLE:</p> <p>15 Q Do you understand what a hypothetical</p> <p>16 question is?</p> <p>17 A I do.</p> <p>18 Q How would you define a hypothetical question,</p> <p>19 Ms. Concepcion?</p> <p>20 A A hypothetical question is if something</p> <p>21 happened, what might or might not have been the outcome</p> <p>22 of that happening.</p> <p>23 Q Do you not understand a hypothetical question</p> <p>24 on the premises itself upon things that did not happen?</p> <p>25 A I don't understand your question. Do you</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 79</p> <p>1 Q Is a factual answer going to assume a</p> <p>2 hypothetical, or is it going to lower the parameters of</p> <p>3 the hypothetical question?</p> <p>4 A I don't know.</p> <p>5 MR. BURNS: Objection.</p> <p>6 BY MR. DOOLITTLE:</p> <p>7 Q Do you think it's reasonable for students to</p> <p>8 expect to receive what they pay for?</p> <p>9 A It's reasonable for students to receive what</p> <p>10 they pay for.</p> <p>11 Q Thank you. Do you think the students paid</p> <p>12 for in-person classes?</p> <p>13 A The students paid for instruction.</p> <p>14 Q Yes, ma'am. Do you think the students paid</p> <p>15 for in-person instruction?</p> <p>16 A The students paid for instruction. The</p> <p>17 modality of the instruction can vary, as we have -- as</p> <p>18 we saw.</p> <p>19 Q Yes, ma'am. Prior to the spring of 2020, do</p> <p>20 you think the students expected that their classes</p> <p>21 would be online?</p> <p>22 A The students expected to receive instruction.</p> <p>23 Classes are sometimes in person and sometimes online.</p> <p>24 Q Are you purporting to say what the 16,000</p> <p>25 students understood they would receive, or you are</p>
<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 78</p> <p>1 believe I don't understand what a hypothetical question</p> <p>2 is?</p> <p>3 Q I'm just trying to understand what a</p> <p>4 hypothetical question is in your mind, ma'am. I'm not</p> <p>5 trying to make you feel bad or anything at all, I'm</p> <p>6 just trying to make sure --</p> <p>7 A Oh, you're not making me feel bad. You're</p> <p>8 not making me feel bad at all. I do know what a</p> <p>9 hypothesis is. I do know what a hypothetical question</p> <p>10 is. Just because I'm not answering your hypothetical</p> <p>11 question, it doesn't mean that I don't understand what</p> <p>12 a hypothetical question is.</p> <p>13 Q But you agree with me you're not answering my</p> <p>14 hypothetical question?</p> <p>15 MR. BURNS: Objection.</p> <p>16 THE WITNESS: I can't opine on something</p> <p>17 that didn't occur or answer a question of something</p> <p>18 that didn't occur.</p> <p>19 BY MR. DOOLITTLE:</p> <p>20 Q So if I ask you a hypothetical question about</p> <p>21 something that did not occur, you won't answer it?</p> <p>22 MR. BURNS: Objection.</p> <p>23 THE WITNESS: I will give you the best</p> <p>24 factual answer.</p> <p>25 BY MR. DOOLITTLE:</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 80</p> <p>1 saying that that's what you understood? I'm just</p> <p>2 trying to understand what you're saying.</p> <p>3 A I can't testify for what 16,000 students</p> <p>4 think. I'm just stating the facts that some classes</p> <p>5 are in person and some classes are online.</p> <p>6 Q And how do you find out which classes are in</p> <p>7 person and which classes are online?</p> <p>8 A I'm not familiar with the places exactly</p> <p>9 where they find out where those are. When I went to</p> <p>10 school, I -- when I enrolled in a class, the very</p> <p>11 old-fashioned way, I did take some classes that were</p> <p>12 online, particularly in my master's degree program.</p> <p>13 Q Is there a price difference for taking online</p> <p>14 and in-person classes prior to the spring of 2020?</p> <p>15 A There is -- the classes that are offered</p> <p>16 through -- that are solely for online programs, there</p> <p>17 is a pricing differential. There are courses that are</p> <p>18 offered online and in person, and there's no price</p> <p>19 differential for those.</p> <p>20 Q So there are classes that are offered online</p> <p>21 and in person, and there's no price difference between</p> <p>22 the two?</p> <p>23 A Correct.</p> <p>24 Q Which courses?</p> <p>25 A I can only speak to -- I took a course when I</p>

<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 81</p> <p>1 was in graduate school, and that course happened to be</p> <p>2 online for that particular -- the term that I took the</p> <p>3 class, it was offered online, and that class was</p> <p>4 offered in person during other terms.</p> <p>5 Q That was in the late '80s and early '90s?</p> <p>6 A No, I went for my graduate degree later than</p> <p>7 that.</p> <p>8 Q What year are we talking?</p> <p>9 A 2000s.</p> <p>10 Q Okay.</p> <p>11 A Yeah.</p> <p>12 Q Are you aware whether or not there's a price</p> <p>13 difference between online and in-person classes as of</p> <p>14 the fall of 2019?</p> <p>15 A If you are registered as an online student,</p> <p>16 there is a pricing differential versus if you are</p> <p>17 registered as not an online student.</p> <p>18 Q And is it cheaper to attend as an online</p> <p>19 student versus in person?</p> <p>20 A It's not necessarily cheaper. So because</p> <p>21 students who are not part of the online program receive</p> <p>22 significant financial aid from the university. So it</p> <p>23 varies per student, and it might be the case that a</p> <p>24 student enrolled on our traditional offering would be</p> <p>25 paying a lower price than a student that is enrolling</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 83</p> <p>1 Q Yes, ma'am, that's what I'm asking, the</p> <p>2 sticker price, I guess.</p> <p>3 A Okay. So the sticker --</p> <p>4 Q Sticker price for online education is cheaper</p> <p>5 than it is for in-person; is that fair?</p> <p>6 A The sticker price for a strictly online</p> <p>7 degree is less than the sticker price for if you</p> <p>8 have -- you know, enroll in a traditional degree, but</p> <p>9 that doesn't translate in what the student will</p> <p>10 eventually pay.</p> <p>11 MR. DOOLITTLE: Madam Court Reporter, can</p> <p>12 you pull up Exhibits RIT online 2019-2020 first?</p> <p>13 THE VIDEOGRAPHER: Mr. Doolittle, if it's</p> <p>14 okay, I will go ahead and pull it up. Can you repeat</p> <p>15 which one you need?</p> <p>16 MR. DOOLITTLE: Absolutely. It says -- I</p> <p>17 believe it's titled RIT online 2019 dash 2020.</p> <p>18 THE VIDEOGRAPHER: Student financial</p> <p>19 services? After that? Let me see. Make sure I have</p> <p>20 the right one here.</p> <p>21 MR. DOOLITTLE: Yes, at the top of it, RIT</p> <p>22 online at the top, student financial services, then</p> <p>23 it's a big blackish square that says --</p> <p>24 THE VIDEOGRAPHER: Okay.</p> <p>25 MR. DOOLITTLE: That's it.</p>
<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 82</p> <p>1 strictly in an online degree program.</p> <p>2 Q Say that for me again.</p> <p>3 A A student who is enrolled in the RIT</p> <p>4 traditional offering versus a student that is enrolled</p> <p>5 in the RIT online degree program, one of the handful of</p> <p>6 online degree programs, may actually pay less because</p> <p>7 of the financial aid package that they receive.</p> <p>8 Q Right. They pay less, you're talking about</p> <p>9 the net out of their pocket, correct?</p> <p>10 A So therefore, you know, you can't really</p> <p>11 ascertain that one is cheaper than the other, because</p> <p>12 every student's situation is different and it could be</p> <p>13 that someone is actually paying less because of the</p> <p>14 financial aid that they received.</p> <p>15 Q The charge to the student doesn't depend on</p> <p>16 the financial aid received; is that correct?</p> <p>17 A Are you referring --</p> <p>18 MR. BURNS: Objection.</p> <p>19 THE WITNESS: Are you referring to the</p> <p>20 sticker price?</p> <p>21 BY MR. DOOLITTLE:</p> <p>22 Q You know, I don't know what a sticker price</p> <p>23 is, ma'am. What do you mean by sticker price?</p> <p>24 A The price to attend the university prior to</p> <p>25 any financial aid being applied or scholarships.</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 84</p> <p>1 THE VIDEOGRAPHER: Can everyone see this?</p> <p>2 MR. DOOLITTLE: Can you see that,</p> <p>3 Ms. Concepcion?</p> <p>4 THE WITNESS: Yes.</p> <p>5 MR. DOOLITTLE: Okay. And is that the RIT</p> <p>6 online -- can we scroll up or shrink it maybe so we</p> <p>7 can see the whole thing?</p> <p>8 THE VIDEOGRAPHER: Yes, sir. Stand by.</p> <p>9 BY MR. DOOLITTLE:</p> <p>10 Q Are you familiar with this document,</p> <p>11 Ms. Concepcion?</p> <p>12 A I've seen this website before.</p> <p>13 Q Okay. And --</p> <p>14 A I'm sorry, can you make it just a tad bigger?</p> <p>15 THE VIDEOGRAPHER: Yes, ma'am, stand by.</p> <p>16 THE WITNESS: Thank you.</p> <p>17 Okay.</p> <p>18 BY MR. DOOLITTLE:</p> <p>19 Q And whenever we're looking at these</p> <p>20 documents, I apologize, do feel free to tell them</p> <p>21 whatever size you need to do or scroll up or scroll</p> <p>22 down to make sure you can see, whatever you need to</p> <p>23 see.</p> <p>24 So my question for you on this document is,</p> <p>25 this is the tuition charge, so I guess the sticker</p>

<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 97</p> <p>1 response to RIT's transition to distance learning. 2 MR. DOOLITTLE: Okay. Is she here to 3 testify about number 18? 4 MR. BURNS: Pursuant to our objections, she 5 is here to testify concerning the deposition topic 18 6 only as it relates to the spring 2020 semester. 7 MR. DOOLITTLE: Is she here to talk about 8 number 20? 9 MR. BURNS: Pursuant to our objections as 10 modified by our March 8, 2020, letter following the 11 meet-and-confers that we had with your colleagues 12 regarding the 30(b)(6) objections, she is here to 13 testify concerning RIT's receipt and use of CARES Act 14 funding as it relates to spring 2020 semester and the 15 students impacted by RIT's transition to distance 16 learning during the spring 2020 semester. 17 BY MR. DOOLITTLE: 18 Q Ms. Concepcion, how does RIT collect fee 19 payments from students? 20 A How does RIT collect tuition and fees? Is 21 that what you said? I'm sorry, I didn't catch the end 22 of your question. 23 Q I was just talking about fees to begin with. 24 A Oh. 25 Q How does RIT collect fee payments from</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 99</p> <p>1 So I'm just trying to figure out the mechanics involved 2 here. I mean, do they get billed via e-mail or do they 3 see a bill when they fill out the online registration 4 portal? Do they see a bill per credit hour, or how 5 does it work? 6 A They receive a bill via their e-mail account. 7 Q Okay. And the one -- so they have one 8 invoice for each semester, or is there one invoice for 9 a year? How does it work? 10 A They receive multiple bills per term. And 11 that contains information about tuition and fees and 12 also aid and payments. 13 Q Okay. 14 A Basically anything that effects their student 15 account. 16 Q Understood. And y'all go by terms there; is 17 that right? 18 A Yes. There is a fall term, a spring term, 19 and a summer term. 20 Q Thank you. I'll try to remember that. 21 A Sure. 22 Q If I use term, then I apologize. 23 How are the fees determined for each term? 24 Is it by the university or is it by department or -- 25 just trying to understand in general.</p>
<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 98</p> <p>1 students? 2 A So fees, university assessed fees are 3 collected via the student account. So they're added to 4 the student account and collected through the student 5 financial services office. 6 Q And you're in charge of the student financial 7 services office or does it not fall under you? I can't 8 remember. 9 A I oversee the student financial services 10 office in my controller role, yes. 11 Q Okay. So the fees that are received, are 12 they all received via online or does anybody ever send 13 checks, or how does it work? 14 A There is a variety of ways. So students 15 bring cash to our office. They can also mail checks. 16 We also provide credit card, ability for customers to 17 pay via credit card or ACH. 18 Q Which one do most people do? Is there a 19 preference you think that you see? 20 A I don't know off the top of my head. I think 21 probably credit card and ACH. Not as many cash or 22 check lately, you know. 23 Q Right. That was just a side question. I was 24 only curious. Thank you. 25 Do they receive an actual bill via e-mail?</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 100</p> <p>1 A So the fees are -- the university assessed 2 fees are determined by the university. So not by 3 individual departments necessarily. 4 Q Does that come from the president's office? 5 Or who sets the fees? 6 A So typically the budget office designs a 7 budget for the following year. And it goes through the 8 senior leadership as to what the budget is going to be 9 and what the budget assumptions. And then decisions 10 are made as to if the fees are going to remain the same 11 or if there is going to be an increase to those fees. 12 Q Does RIT have any policies or procedures to 13 determine how much fees to a charge to a student? 14 A I'm not aware of any. 15 Q Are all the students charged the same fees 16 regardless of major or does it vary? 17 A I am not sure. There are some fees that are 18 standard for all students. There might be other fees 19 that I'm not aware of. 20 Q Are online students and traditional on-campus 21 students charged the same fees? 22 MR. BURNS: Objection. 23 THE WITNESS: The traditional students are 24 charged some fees that the online students would not 25 be charged.</p>

<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 101</p> <p>1 BY MR. DOOLITTLE: 2 Q Do you know which ones? 3 A The student health fee, one of them, and the 4 student activity fee would be another. 5 Q Any other ones? 6 A Not that I'm aware of. 7 Q Why are they not -- so let's just stick with 8 the student health fees. So an online student is 9 charged less than a traditional on-campus student for 10 the student health fee; is that right? 11 MR. BURNS: Objection. 12 THE WITNESS: The traditional students are 13 assessed as student health fee. 14 BY MR. DOOLITTLE: 15 Q And the online students are not? 16 A I don't believe they are charged a student 17 health fee. 18 Q And why is there a difference between the 19 online students and the traditional in-person student? 20 MR. BURNS: Objection. 21 THE WITNESS: The student health fee covers 22 the cost to operate the student health center on 23 campus. 24 BY MR. DOOLITTLE: 25 Q Okay. I understand that. But why are the</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 103</p> <p>1 that may be applicable. Is there anything else that 2 you -- I don't know what not really -- 3 A So the student health fee is intended to 4 defray cost related to the Center for Campus Life and 5 other student activities. 6 Q My question was about the student activity 7 fee, ma'am. 8 A That's what I was referring to as well. 9 Q You said health fee. Or maybe you misspoke. 10 You said health fee in that answer. 11 A Yeah, the student activity fee. 12 Q And so are you aware of any reason that 13 online students are not charged a student activity fee? 14 A I'm not aware of the reason why. I just know 15 they're not. 16 Q Are there any fees that are charged to online 17 students that are not charged to traditional in-person 18 students? 19 MR. BURNS: Objection. 20 THE WITNESS: I don't know. 21 BY MR. DOOLITTLE: 22 Q Are online students paid any additional fees 23 whatsoever? 24 A I don't know. 25 Q Do you know what fees the online students</p>
<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 102</p> <p>1 online students not charged a student health fee? 2 A I'm not sure. 3 Q Do online students have access to the health 4 center? 5 A They do not utilize the health center. They 6 are not residentially there. 7 Q Are they -- do they have access to it? Are 8 they allowed? 9 A I don't know. 10 Q And the students are -- online students are 11 not charged a student activity fee; is that right? 12 A I don't believe they are. 13 Q And why is that? 14 A I'm not sure. I know they're not. 15 Q But you don't know why they're not charged 16 the online student health -- the online students are 17 not charged the student activity fee? 18 A The specific reason, no. I just know they're 19 not. 20 Q Rather than any specific reason, are you 21 aware of any general reasons? 22 A Not really. 23 Q Okay. Then I'm sorry, not really to me 24 indicates -- if you say not really, I think that you 25 may still have something that you're thinking about</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 104</p> <p>1 pay? 2 A I don't know. 3 Q Is your office in charge of online fees, or 4 is somebody else in charge of students that are online 5 and collecting their fees? 6 A We bill all students. 7 Q Okay. So y'all would be in charge of 8 collecting for online students as well? 9 A Yes, all students. 10 Q So you're not aware of any fees charged to 11 online students at all? 12 A I don't know if they are charged specific 13 fees. 14 Q Do you know what fees are charged other than 15 the two we've talked about to on-campus students? 16 A Those are the university-assessed fees. 17 Q And that's the only two you're aware of, 18 correct? 19 A Yes. 20 Q How do the students know which fees they're 21 required to pay? 22 A They're in their student bill. 23 Q That's the one we talked about earlier they 24 get via e-mail? 25 A Yes. Their student account. They're posted</p>

<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 129</p> <p>1 40 miles of plexiglass to install in the classrooms. 2 Purchase in excess 600 air ionizers to be installed to 3 purify air. Purchased hundreds of thousands of cloth, 4 surgical and N95 masks. Purchased hundreds of 5 thousands of signs to remind our community members to 6 keep a safe distance and also to wash their hands. 7 Those were the types of expenses that we incurred 8 beginning in the spring of 2020. 9 Q Those expenses were all incurred in the 10 spring of 2020 after you sent people home? 11 A We began to prepare to manage the pandemic. 12 And, yes, we began to really try to understand the 13 virus and what we needed to do to have the campus be a 14 safe place. So we pretty much began doing research. 15 Some of our faculty members did research. There were 16 committees that did research and began to advise the 17 university on items to acquire that would be necessary 18 for us to really operate the university, you know, when 19 the time came to do so. 20 Q When did you-all go back to in-person 21 learning? 22 A In the fall. 23 Q And these expenditures you're talking about 24 were made in the spring of 2020? 25 A Well, it was very challenging, supply chain</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 131</p> <p>1 A I'm not sure if the fees are more. I'm not 2 sure. 3 Q But you do know tuition is more? 4 A Yes. 5 Q Have they always charged the same amount of 6 tuition every year, or has it always increased every 7 year? 8 A I don't know if there's been a year in the 9 past where it hasn't increased. I don't know off the 10 top of my head. 11 Q Did it increase more after the spring of 12 2020, the tuition that is, because of COVID-related 13 expenditures? 14 A I'm not sure that there was a single reason. 15 I do know it's more. I don't know if you can attribute 16 it to a single reason. 17 Q Was there ever discussion about what services 18 RIT could not provide students as a result of going 19 online? 20 MR. BURNS: Objection. 21 THE WITNESS: Because of the inability to 22 congregate and the way the virus was going, you know, 23 evolving, the situation with the virus at the time, 24 the campus asked students to not return to their 25 housing and to either physically move out or conduct,</p>
<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 130</p> <p>1 environment. So wanting to purchase 200,000 2 thermometers, that doesn't mean that the next day we 3 had 200,000 thermometers. So we had to do quite a bit 4 of due diligence to really secure those thermometers. 5 To purchase COVID tests through our supplier, it was 6 quite a Herculean effort because everyone was trying to 7 procure COVID tests. So we were jumping on as many 8 opportunities as possible to purchase supplies that 9 were in very high demand. 10 So we were doing significant due diligence, 11 you know, that began in March and continued and, to be 12 honest, even today, there are some things that are hard 13 to get. And we continued to work really hard to obtain 14 the items that we believe were necessary for us to have 15 a safe environment once we were permitted by the -- you 16 know, to congregate once again. 17 Q Does RIT charge more for tuition now than it 18 did spring of 2020? 19 A The tuition charge for this fall is the 20 greater than what the tuition was for 2020, is that 21 your question? 22 Q Yes, ma'am. 23 A Yes. 24 Q So they also charge more fees today than they 25 did in spring of 2020?</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 132</p> <p>1 you know, a virtual move out. It was the 2 recommendations for us to control the spread and, you 3 know, the same for, you know, the house -- the 4 dining. We still had some dining venues open, but it 5 was limited given what was going on. 6 BY MR. DOOLITTLE: 7 Q So is that the only things that were 8 discussed? 9 A Discussed? Can you clarify your question? 10 Q I don't know what your answer was, ma'am. I 11 asked you, did RIT discuss what services it could not 12 provide students as a result of going online. But then 13 you gave me an example about dining halls were still 14 open, and I wasn't asking that. I was asking, was 15 there any discussions about what services could and 16 could not be provided as a result of going online? 17 MR. BURNS: Objection. 18 THE WITNESS: RIT made the decision to have 19 the students not return to their housing, recommended 20 that, unless they didn't have a safe place to be. So 21 that was a decision to discontinue providing that as 22 a service. And it was similar for, you know, dining, 23 those venues were limited. 24 BY MR. DOOLITTLE: 25 Q Is that all of the discussions?</p>

<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 133</p> <p>1 A That I'm aware of.</p> <p>2 Q Did RIT issue any fee refunds for the spring</p> <p>3 of 2020?</p> <p>4 A No, there were no -- parking fees were</p> <p>5 refunded. The student health fee and the student</p> <p>6 activity fee were not refunded.</p> <p>7 Q Other than the parking fee, was there any</p> <p>8 other fees returned?</p> <p>9 A Not that I'm aware of.</p> <p>10 Q How about tuition, any refund of any tuition</p> <p>11 as a result of going remote in the spring of 2020?</p> <p>12 A Not that I'm aware of.</p> <p>13 Q Was it ever discussed whether or not we</p> <p>14 should give tuition refunds as a result of going remote</p> <p>15 in the spring of 2020?</p> <p>16 MR. BURNS: Objection.</p> <p>17 THE WITNESS: I believe I answered that</p> <p>18 earlier, right?</p> <p>19 BY MR. DOOLITTLE:</p> <p>20 Q No, that was regarding fees. I'm asking</p> <p>21 about tuition.</p> <p>22 A Yeah, I mentioned earlier when I spoke to</p> <p>23 Dr. Waters in the presence of counsel and how</p> <p>24 instructional services were continuing; and therefore</p> <p>25 tuition refunds were not considered, because we were</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 135</p> <p>1 MR. BURNS: Objection. She's testified to</p> <p>2 exactly that topic.</p> <p>3 MR. DOOLITTLE: I'm just trying to ask what</p> <p>4 her answer is, because I didn't understand it.</p> <p>5 THE WITNESS: It's what I answered earlier.</p> <p>6 BY MR. DOOLITTLE:</p> <p>7 Q Can you repeat it for me, ma'am? I don't</p> <p>8 remember and I don't understand what your answer is.</p> <p>9 A The answer is that instructional services</p> <p>10 were continuing. The students would continue to</p> <p>11 receive their grades and made academic progress, so</p> <p>12 tuition refunds were not considered.</p> <p>13 Q Yes, ma'am. I asked was there any discussion</p> <p>14 regarding the differences between online remote</p> <p>15 education versus in-person education when deciding not</p> <p>16 to issue these refunds.</p> <p>17 A I was not part of any discussions regarding a</p> <p>18 difference.</p> <p>19 Q So that would mean you don't know the answer</p> <p>20 to that question; is that right?</p> <p>21 A I wasn't part of those discussions. So...</p> <p>22 Q Yes, ma'am. And if you weren't part of them,</p> <p>23 I'm assuming you don't know the answer. Is that fair?</p> <p>24 A I wasn't part of the discussion. That is my</p> <p>25 answer.</p>
<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 134</p> <p>1 continuing to provide that service and continuing to</p> <p>2 make sure the students made academic progress, and</p> <p>3 those student who were due to graduate could graduate</p> <p>4 at the end of the semester.</p> <p>5 Q Was there any discussion regarding the</p> <p>6 difference between online and remote education for</p> <p>7 these students at the time?</p> <p>8 A I'm not aware. I wasn't a participant on</p> <p>9 discussions of that nature.</p> <p>10 Q You don't know?</p> <p>11 A I'm not aware of any.</p> <p>12 Q Is there a difference between being not aware</p> <p>13 and not knowing?</p> <p>14 A Well, if I wasn't there, I can't be aware of</p> <p>15 it because I wasn't a part of the conversation.</p> <p>16 Q Yes, ma'am. I'm just trying to ask -- I</p> <p>17 asked you if you were aware of any. I'm just trying to</p> <p>18 make sure I'm understanding semantically. Is there a</p> <p>19 difference between aware -- I'm not understanding what</p> <p>20 your answer is, basically. You are or are not aware?</p> <p>21 A Can you repeat your question?</p> <p>22 Q You're not aware of the discussions that took</p> <p>23 place regarding what to do with regards to tuition</p> <p>24 refunds for students transitioning to remote education</p> <p>25 in the spring of 2020?</p>	<p>M. CONCEPCION - EX. BY MR. DOOLITTLE Page 136</p> <p>1 Q Do you know what the answer is? Despite the</p> <p>2 fact that you weren't part of the discussion, do you</p> <p>3 actually know the answer to the question?</p> <p>4 A The answer to the question is that I wasn't</p> <p>5 there. I can't know the answer to a conversation I</p> <p>6 wasn't a part of.</p> <p>7 Q Okay. So you don't know any answer to the</p> <p>8 question; is that right?</p> <p>9 A I wasn't part of that discussion and I wasn't</p> <p>10 part of any conversations.</p> <p>11 Q Was a potential for refund ever discussed</p> <p>12 over e-mail?</p> <p>13 A I don't -- I've never seen any e-mails where</p> <p>14 that was discussed.</p> <p>15 Q Have you ever sent any e-mail regarding</p> <p>16 refunds of either tuition or fees as a result of going</p> <p>17 remote in the spring of 2020?</p> <p>18 A I'm not -- I don't recall.</p> <p>19 Q Has your office received any requests from</p> <p>20 students whatsoever regarding refund of spring of 2020</p> <p>21 tuition or fees?</p> <p>22 A Other than the two plaintiffs' requests,</p> <p>23 which I've reviewed, I haven't reviewed any</p> <p>24 specifically other than those two.</p> <p>25 Q I understand you have not reviewed them. Are</p>

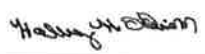
Nicholas Bergeron and Nick Quattrociocchi Remote Video deposition via Zoom
Rochester Institute of Technology

Milagros Concepcion 30(b)(6)
March 23, 2022

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1 3:11 p.m., and the deponent waived signature.)
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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHARLESTON) C E R T I F I C A T E
3
4 I, Holly Hiott O'Quinn, Independent Court Reporter
5 and Notary Public for the State of South Carolina,
6 certify that I did have Milagros Concepcion, the
7 30(b)(6) Witness, to appear before me at 10:38 a.m. on
8 March 23, 2022, via Zoom video conferencing; that the
9 witness was duly sworn and cautioned to tell the truth,
10 the whole truth and nothing but the truth; that the
11 foregoing pages constitute a true and accurate
12 transcript of testimony given at the time and place.
13 I do further certify that I am not of counsel or
14 kin to any of the parties to this cause of action, nor
15 am I interested in any manner of its outcome.
16 IN THE WITNESS WHEREOF I have hereunto set my
17 hand and seal this the 10th day of April, 2022.
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21 Notary Public for South Carolina
22 My Commission Expires March 21, 2026
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